



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mu-En Lee *et al.*

Application No: 10/693,316

Filed: October 23, 2003

For: *In Vitro Differentiation of Vascular  
Smooth Muscle Cells, Methods and  
Reagents Related Thereto*

Art Unit: 1609

Examiner: Stacey Nee MacFarlane

Attorney Docket No.: **HUV-046.02**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450 ,

### RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Restriction Requirement, mailed on April 18, 2007, in the above-referenced application. Applicants hereby petition for a three-month extension of time. Please amend the subject application as set forth below.

Claims 1-30 are currently pending in the application. The Examiner has required restriction to one of nine groups under 35 U.S.C. §§121. In response to the restriction requirement, Applicants provisionally elect **with traverse, Group II**, claims 2-6, 10, 11, and 21, drawn to a method of identifying an agent that regulates proliferation comprising contacting cells with a test agent and measuring the ability of the test agent to inhibit differentiation, classified in class 435, subclass 3. Traversal is to the extent that no undue burden would be required to search all Groups of claims.

The Examiner has classified Groups II-VI under Class 435, subclass 3. Since Groups II-VI belong to the same Class and subclass, Applicants respectfully submit that a search encompassing more than one of Groups II-VI would not place a serious burden on the Examiner. See MPEP § 803 ("If the search and examination of an entire application can be made without

serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions.”).

Applicants reserve the right to petition the Commissioner to review the restriction requirement if this restriction requirement is made final.

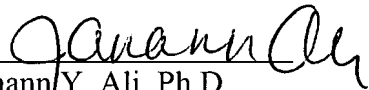
### **CONCLUSION**

If a telephone conversation with Applicants' Agent would expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1000.

The Commissioner is hereby authorized to charge any necessary fees under small entity status to our **Deposit Order Account No. 06-1448, reference HUV-046.02.**

Respectfully submitted,

FOLEY HOAG LLP

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Dated: August 20, 2007

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